

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL CASNER, STANLEY
CONSTANTINE, and SEAN WHATLEY,

Plaintiffs,

v.

EXAMSOFT WORLDWIDE, INC.,

Defendant.

Honorable Edmond E. Chang

Case No. 1:14-cv-7145

JOINT MOTION TO STAY PROCEEDINGS

Plaintiffs Michael Casner, Stanley Constantine, and Sean Whatley (collectively, “Plaintiffs”) and Defendant ExamSoft Worldwide, Inc. (“ExamSoft” or “Defendant”) submit this joint motion to stay proceedings in the above-captioned action pending mediation before Rodney A. Max, of Upchurch Watson White & Max. In support of the motion, Plaintiffs and Defendant state as follows:

1. On August 5, 2014, Plaintiffs filed their complaint in the Circuit Court of Cook County, Illinois, and Defendant removed this action to this Court on September 12, 2014.

2. Five other putative class action complaints have been filed against ExamSoft asserting substantially similar causes of action grounded in substantially similar alleged facts (collectively, the “Related Actions”), and are now pending in various district courts across the country, including one pending before Honorable Judge Thomas M. Durkin, *Litchfield*, et al. v. *ExamSoft Worldwide, Inc.*, Case No. 1:14-cv-5971.

3. The Court has set certain dates in this suit, including a deadline for Defendant's response to the complaint and an initial status hearing (with accompanying report) on October 29, 2014.

4. Defendant and Plaintiffs in this action, as well as plaintiffs in all of the Related Action have agreed to engage in a global mediation before Mr. Max in Chicago, Illinois, at a date to be determined, but prior to February 2015.

WHEREFORE, to promote judicial economy and efficiency, and to prevent unnecessary litigation and inconsistent results, Plaintiffs and Defendant respectfully request that the Court grant this Motion to Stay and order that all proceedings in this action be stayed, including an adjournment of the Court's initial status hearing set for October 29, 2014, until February 13, 2015, pending their mediation.

Dated: October 15, 2014

Respectfully submitted,

/s/ Benjamin F. Johns

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EXHIBIT A

[PROPOSED] ORDER

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL CASNER, STANLEY
CONSTANTINE, and SEAN WHATLEY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

EXAMSOFT WORLDWIDE, INC.,

Defendant.

Honorable Edmond E. Chang

Case No. 1:14-cv-7145

ORDER

The Court having considered the pending Joint Motion to Stay Proceedings; it is hereby ORDERED that the motion is GRANTED in full. The proceedings in this action are hereby stayed until February 13, 2015, including an adjournment of the Court's initial status hearing set for October 29, 2014.

The parties are hereby ORDERED to file a joint status report with the Court no later than February 13, 2015 informing the Court as to the status of their mediation efforts.

SO ORDERED:

Dated: this ____ day of _____, 2014

United States District Judge

CERTIFICATE OF SERVICE

On October 15, 2014, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all persons registered for ECF. All copies of documents required to be served by Fed. R. Civ. P. 5(a) have been so served.

/s/ Benjamin Sandahl